

LARSON & STEPHENS
810 S. Casino Center Blvd., Suite 104
Las Vegas, Nevada 89101
 Tel: (702) 382-1170 Fax: (702) 382-1169

James I. Stang, Esq. (CA Bar No. 94435)
 Shirley S. Cho, Esq. (CA Bar No. 192616)
 Werner Disse, Esq. (CA Bar No. 143458)
PACHULSKI STANG ZIEHL & JONES LLP
 10100 Santa Monica Blvd., 11th Floor
 Los Angeles, California 90067-4100
 Telephone: 310/277-6910
 Facsimile: 310/201-0760
 Email: jstang@pszjlaw.com
 scho@pszjlaw.com
 wdisse@pszjlaw.com

E-File: January 19, 2010

Zachariah Larson, Esq. (NV Bar No. 7787)
LARSON & STEPHENS
 810 S. Casino Center Blvd., Ste. 104
 Las Vegas, NV 89101
 Telephone: 702/382.1170
 Facsimile: 702/382.1169
 Email: zlarson@lslawnv.com

Attorneys for Debtors and Debtors in Possession

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
THE RHODES COMPANIES, LLC, aka
“Rhodes Homes,” et al.,¹
Debtors.

Case No.: BK-S-09-14814-LBR
 (Jointly Administered)

Chapter 11

Affects:

☐ All Debtors
☒ Affects the following Debtor(s)

Hearing Date: February 18, 2010
 Hearing Time: 1:30 p.m.
 Courtroom 1

¹ The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

RHODES DESIGN AND DEVELOPMENT
CORPORATION

**MOTION OF DEBTOR FOR ORDER APPROVING STIPULATION TO LIFT THE
AUTOMATIC STAY RE CLAIMS OF REMAINING KITEC HOMEOWNERS;
DECLARATION OF PAUL D. HUYGENS IN SUPPORT THEREOF**

By this Motion (the “Motion”), Rhodes Design & Development Corp. (“RD&D”), one of the above-captioned debtors and debtors in possession (the “Debtors”), respectfully requests that the Court approve the *Stipulation to Lift the Automatic Stay Regarding Claims of Remaining Kitec Plaintiffs* (the “Stipulation”), attached as Exhibit “1” to the proposed order, between RD&D and the Remaining Kitec Plaintiffs, as defined below in paragraph 4. The Stipulation provides for the lifting of the automatic stay for the limited purpose of authorizing the Remaining Kitec Plaintiffs to liquidate their claims in the litigation entitled *In re Kitec Fitting Litigation*, Case No. A493302 (the “Nevada Class Action”), currently pending in District Court of Nevada, Clark County (the “District Court”). As part of the Stipulation, the Remaining Kitec Plaintiffs have agreed to collect on their claims only from RD&D’s available insurance policies, and to reduce their proof of claim from \$5.3 million to zero.

A copy of the proposed order approving this Motion is attached hereto as Exhibit “A.”

I.

STATEMENT OF FACTS

A. General Background

1. On March 31, 2009, the above-captioned Debtors (the “Primary Filers”) except Tuscany Golf Country Club, LLC, Pinnacle Grading, LLC, and Rhodes Homes Arizona, LLC (the “Secondary Filers”) filed voluntary petitions for relief under chapter 11 of title 11 of the Bankruptcy Code. On April 1, 2009, the Secondary Filers filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code. All references to Petition Date herein shall mean March 31, 2009 for the Primary Filers or April 1, 2009 for the Secondary Filers, as applicable. The Debtors are continuing in possession of their property and are operating and managing their businesses, as debtors in possession, pursuant to sections 1107 and 1108 of the Bankruptcy Code.

LARSON & STEPHENS
810 S. Casino Center Blvd., Suite 104
Las Vegas, Nevada 89101
Tel: (702) 382-1170 Fax: (702) 382-1169

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 810 S. Casino Center Blvd., Suite 104
 Las Vegas, Nevada 89101
 Tel: (702) 382-1170 Fax: (702) 382-1169

B. History of the Nevada Class Action

2. The Nevada Class Action is, inter alia, a construction defect class action filed on behalf of all owners of a residence in Clark County, Nevada, that contains or at any time contained a Kitec or PlumbBetter plumbing system or components (the “Class”). As a result of numerous mediation and settlement discussions held in connection with the Nevada Class Action, on August 26, 2008, the Class and RD&D reached an agreement (the “Prepetition Kitec Settlement”) to fully and finally resolve the claims of twenty-five (25) Class plaintiff homeowners against RD&D in the Nevada Class Action (“Rhodes Subclass A”).

3. On March 31, 2009, RD&D filed a chapter 11 petition under the United States Bankruptcy Code in the United States Bankruptcy Court for the District of Nevada. As a result of the pendency of the bankruptcy case, all proceedings against RD&D are automatically stayed.

4. On September 4, 2009, the Debtors filed a motion to lift the automatic stay so that the Prepetition Kitec Settlement with Rhodes Subclass A could be implemented [Docket No. 470], and on October 19, 2009 the Court entered an order approving the motion [Docket No. 597]. As part of the order, the Class’ proof of claim, which proof of claim is designated as number 129 in RD&D’s case (the “Kitec Proof of Claim”), was reduced from \$5,605,000 to \$5,308,125 in order to reflect the withdrawal of the claims of Rhodes Subclass A. Thus, the claims of the remaining Class plaintiffs, i.e. the Class minus Rhodes Subclass A (the “Remaining Kitec Plaintiffs”), total \$5,308,125. The Class also withdrew proof of claim number 60 in the Rhodes Companies, LLC case as a duplicate claim of the Kitec Proof of Claim.

C. The Stipulation

5. Pursuant to the Stipulation, RD&D is willing to agree to lift the automatic stay pursuant to 11 U.S.C. § 362 for the sole purposes of permitting the Remaining Kitec Plaintiffs to liquidate their claims in the Nevada Class Action.

6. There shall be a full reservation of rights for RD&D and RD&D’s insurer, Lexington Insurance (the “Insurer”), with respect to the relevant insurance policies and to defend the Nevada Class Action on the merits.

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7. Any and all portions of the Remaining Kitec Plaintiffs' claims or causes of action, whether prepetition or postpetition claims or causes of action, that are not fully satisfied by RD&D's available insurance policies are forever waived and discharged as against RD&D, even if the Remaining Kitec Plaintiffs are unable to obtain any recovery from any insurance policies.

8. Any recovery by the Remaining Kitec Plaintiffs received from the insurance proceeds shall be reduced by the amount of the applicable insurance policy's deductible.

9. Upon entry of the Order approving this Motion and the Stipulation, the Kitec Proof of Claim shall be deemed withdrawn. The claims agent shall be directed to amend the claims register to reflect that the amount of proof of claim number 129 is reduced from \$5,308,125 to zero.

10. The Remaining Kitec Plaintiffs agree not to oppose or object to confirmation of the plan of reorganization (the "Plan") currently proposed by the First Lien Steering Committee, as may be amended or modified and to file a notice to that effect on or prior to January 19, 2010. The Remaining Kitec Plaintiffs filed this notice on January 19, 2010 [Docket No. 937].

II.

CAUSE EXISTS TO LIFT THE AUTOMATIC STAY FOR THE LIMITED PURPOSE OF PERMITTING THE PARTIES TO EFFECTUATE THE STIPULATION

The automatic stay imposed by section 362(a) of the Bankruptcy Code ("Code"), 11 U.S.C. §362(a), may be terminated, annulled, modified or conditioned upon a finding of cause:

[T]he court shall grant relief from the stay provided under subsection (a) of this section, such as by terminating, annulling, modifying, or conditioning such stay –

(1) for cause

11 U.S.C. §362(d)(1). "Cause" has no single definition and is to be determined case-by-case. *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166 (9th Cir. 1990); *In re MacDonald*, 755 F.2d 715, 717 (9th Cir. 1985).

Among the "causes" justifying stay relief to permit continuation of a prepetition nonbankruptcy action is that granting stay relief would promote judicial economy and save costs.

1 *In re Kemble*, 776 F.2d 802 (9th Cir. 1985); *In re Universal Life Church, Inc.*, 127 B.R. 453
2 (E.D. Cal. 1991), *affirmed* 965 F.2d 777.

3 In the present case, the Stipulation permits RD&D to avoid protracted and expensive
4 litigation. At the same time, because the Remaining Kitec Plaintiffs have agreed to collect only
5 from the Insurer, the Stipulation enables RD&D to eliminate its exposure under the Nevada
6 Class Action at no cost to RD&D's estate. The Stipulation provides for the withdrawal of the
7 Kitec Proof of Claim, which eliminates claims in the amount of \$5,308,125. Under the
8 Stipulation, the Remaining Kitec Plaintiffs have also agreed not to oppose or object to
9 confirmation of the Plan, which helps promote the Debtors' reorganization. Accordingly,
10 RD&D respectfully submits that cause exists to lift the automatic stay pursuant to the terms of
11 the Stipulation.

12 III.

13 NOTICE

14 Notice of this Motion has been given to (i) the Office of the United States Trustee; (ii)
15 counsel to the Committee; (iii) counsel to the secured lenders; (iv) those persons who have
16 requested notice pursuant to Rule 2002 of the Federal Rules of Bankruptcy Procedure; (v)
17 counsel to the Remaining Kitec Plaintiffs; (vi) counsel to the subcontractors; and (vii) the Insurer
18 and its counsel. RD&D submits that in light of the nature of the relief requested and that no
19 monies of the estate are being expended under the Stipulation, no other or further notice need be
20 given.

LARSON & STEPHENS
810 S. Casino Center Blvd., Suite 104
Las Vegas, Nevada 89101
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IV.

CONCLUSION

WHEREFORE, RD&D respectfully requests that the Court approve the Stipulation, and grant such other and further relief as is just and proper under the circumstances.

DATED this 19th day of January, 2010.

LARSON & STEPHENS

/s/ Zachariah Larson, Esq.

Zachariah Larson, Bar No. 7787

Kyle O. Stephens, Bar No. 7928

810 S. Casino Center Blvd., Suite 104

Las Vegas, NV 89101

702/382-1170

Attorneys for Debtors and Debtors in Possession

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DECLARATION OF PAUL D. HUYGENS

I, Paul D. Huygens, declare as follows:

1. I am the Senior Vice President of Special Projects for the Debtors.

2. Except as otherwise stated, all facts contained within this Declaration are based upon personal knowledge (albeit my own or that gathered from others within the Debtors' organization), my review of relevant documents, or my opinion based upon my experience concerning the operations of the Debtors and Rhodes Design & Development Corp. ("RD&D"). If called upon to testify, I would testify to the facts set forth in this Declaration.

3. RD&D is seeking approval of the *Stipulation to Lift the Automatic Stay Regarding Claims of Remaining Kitec Plaintiffs* (the "Stipulation") between RD&D and the Remaining Kitec Plaintiffs, as defined below in paragraph 6. The Stipulation provides for the lifting of the automatic stay for the limited purpose of authorizing the Remaining Kitec Plaintiffs to liquidate their claims in the litigation entitled *In re Kitec Fitting Litigation*, Case No. A493302 (the "Nevada Class Action"), currently pending in District Court of Nevada, Clark County (the "District Court"). A copy of the Stipulation is attached to the proposed order as Exhibit "1."

4. The Nevada Class Action is, inter alia, a construction defect class action filed on behalf of all owners of a residence in Clark County, Nevada, that contains or at any time contained a Kitec or PlumbBetter plumbing system or components (the "Class"). As a result of numerous mediation and settlement discussions held in connection with the Nevada Class Action, on August 26, 2008, the Class and RD&D reached an agreement (the "Prepetition Kitec Settlement") to fully and finally resolve the claims of twenty-five (25) Class plaintiff homeowners against RD&D in the Nevada Class Action ("Rhodes Subclass A").

5. On March 31, 2009, RD&D filed a chapter 11 petition under the United States Bankruptcy Code in the United States Bankruptcy Court for the District of Nevada. As a result of the pendency of the bankruptcy case, all proceedings against RD&D are automatically stayed.

6. On September 4, 2009, the Debtors filed a motion to lift the automatic stay so that the Prepetition Kitec Settlement with Rhodes Subclass A could be implemented [Docket No. 470], and on October 19, 2009 the Court entered an order approving the motion [Docket No.

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597]. As part of the order, the Class' proof of claim, which proof of claim is designated as number 129 in RD&D's case (the "Kitec Proof of Claim"), was reduced from \$5,605,000 to \$5,308,125 in order to reflect the withdrawal of the claims of Rhodes Subclass A. Thus, the claims of the remaining Class plaintiffs, i.e. the Class minus Rhodes Subclass A (the "Remaining Kitec Plaintiffs"), total \$5,308,125. The Class also withdrew proof of claim number 60 in the Rhodes Companies, LLC case as a duplicate claim of the Kitec Proof of Claim.

7. The Stipulation permits RD&D to avoid protracted and expensive litigation. At the same time, because the Remaining Kitec Plaintiffs have agreed to collect only against RD&D's insurer, Lexington Insurance, the Stipulation enables RD&D to eliminate its exposure under the Nevada Class Action at no cost to RD&D's estate. The Stipulation provides for the withdrawal of the Kitec Proof of Claim, which eliminates claims in the amount of \$5,308,125. Under the Stipulation, the Remaining Kitec Plaintiffs have also agreed not to oppose or object to confirmation of the Plan, which helps promote the Debtors' reorganization. Accordingly, RD&D respectfully submits that cause exists to lift the automatic stay pursuant to the terms of the Stipulation.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 19th day of January 2010, at Las Vegas, Nevada.

/s/Paul D. Huygens

Paul D. Huygens

LARSON & STEPHENS
810 S. Casino Center Blvd., Suite 104
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Exhibit “A”

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

<p>In re:</p> <p>THE RHODES COMPANIES, LLC, aka "Rhodes Homes," et al.,¹ Debtors.</p>	<p>Case No.: BK-S-09-14814-LBR (Jointly Administered)</p> <p>Chapter 11</p>
<p>Affects:</p> <p><input type="checkbox"/> All Debtors</p> <p><input checked="" type="checkbox"/> Affects the following Debtor(s) Rhodes Design and Development Corporation</p>	<p>Hearing Date: February 18, 2010 Hearing Time: 1:30 p.m. Courtroom 1</p>

**ORDER GRANTING MOTION OF DEBTOR FOR ORDER APPROVING
STIPULATION TO LIFT THE AUTOMATIC STAY RE CLAIMS OF REMAINING
KITEC HOMEOWNERS [Docket No. ____]**

¹ The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf and Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

1 Upon consideration of the *Motion of Debtor for Order Approving Stipulation to Lift the*
2 *Automatic Stay Regarding Claims of Remaining Kitec Plaintiffs* [Docket Number ____] (the
3 "Motion"),² and good cause appearing,

4 IT IS HEREBY ORDERED that the Stipulation attached hereto as Exhibit "1" is
5 approved and the automatic stay is lifted for the limited purpose of permitting the Remaining
6 Kitec Plaintiffs and RD&D to take all actions necessary to effectuate the Stipulation.

7
8 APPROVED/DISAPPROVED:

9 DATED this ____ day of February, 2010.

10 By: _____
11 UNITED STATES TRUSTEE
12 August Landis
13 Office of the United States Trustee
14 300 Las Vegas Blvd. S., Ste. 4300
15 Las Vegas, NV 89101

16 PREPARED AND SUBMITTED BY:

17 LARSON & STEPHENS

18 By: /s/ Zachariah Larson, Esq.
19 Zachariah Larson, Esq., Bar No. 7787
20 810 S. Casino Center Blvd., Suite 104
21 Las Vegas, Nevada 89101
22 Tel: (702) 382-1170
23 Fax: (702) 38201169
24 Attorneys for the Debtors

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² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Stipulation.

Exhibit “1”

LARSON & STEPHENS
810 S. Casino Center Blvd., Suite 104
Las Vegas, Nevada 89101
Tel: (702) 382-1170 Fax: (702) 382-1169

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 Tel: (702) 382-1170 Fax: (702) 382-1169

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 scho@pszjlaw.com
 wdisse@pszjlaw.com

Zachariah Larson, Esq. (NV Bar No. 7787)
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 Las Vegas, NV 89101
 Telephone: 702/382.1170
 Facsimile: 702/382.1169
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Attorneys for Debtors and
 Debtors in Possession

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

THE RHODES COMPANIES, LLC, aka
 "Rhodes Homes," et al.,³
 Debtors.

Case No.: BK-S-09-14814-LBR
 (Jointly Administered)

Chapter 11

Affects:

☐ All Debtors
☒ Affects the following Debtor(s)
 Rhodes Design and Development Corporation

³ The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

**STIPULATION TO LIFT THE AUTOMATIC STAY REGARDING CLAIMS OF
REMAINING KITEC PLAINTIFFS**

This stipulation and agreed order (the “Stipulation”) is made and entered into by Debtor Rhodes Design and Development Corporation (“RD&D”) and the Remaining Kitec Plaintiffs, as defined below, in the *In re Kitec Fitting Litigation*, Case No. A493302, currently pending in District Court of Nevada, Clark County, (hereinafter collectively referred to as the “Nevada Class Action”), through their respective counsel, and in reference to the following facts:

A. The Nevada Class Action is, inter alia, a construction defect class action filed on behalf of all owners of a residence in Clark County, Nevada, that contains or at any time contained a Kitec or PlumbBetter plumbing system or components (the “Class”). As a result of numerous mediation and settlement discussions held in connection with the Nevada Class Action, on August 26, 2008, the Class and RD&D reached an agreement (the “Prepetition Kitec Settlement”) to fully and finally resolve the claims of twenty-five (25) Class plaintiff homeowners against RD&D in the Nevada Class Action (“Rhodes Subclass A”).

B. On March 31, 2009, RD&D filed a chapter 11 petition under the United States Bankruptcy Code in the United States Bankruptcy Court for the District of Nevada. As a result of the pendency of the bankruptcy case, all proceedings against RD&D are automatically stayed.

C. On September 4, 2009, the Debtors filed a motion to lift the automatic stay so that the Prepetition Kitec Settlement with Rhodes Subclass A could be implemented [Docket No. 470], and on October 19, 2009 the Court entered an order approving the motion [Docket No. 597]. As part of the order, the Class’ proof of claim, which proof of claim is designated as number 129 in RD&D’s case (the “Kitec Proof of Claim”), was reduced from \$5,605,000 to \$5,308,125 in order to reflect the withdrawal of the claims of Rhodes Subclass A. Thus, the claims of the remaining Class plaintiffs, i.e. the Class minus Rhodes Subclass A (the “Remaining Kitec Plaintiffs”), total \$5,308,125. The Class also withdrew proof of claim number 60 in the Rhodes Companies, LLC case as a duplicate claim of the Kitec Proof of Claim.

C. RD&D is willing to stipulate to lift the automatic stay pursuant to 11 U.S.C. § 362 for the sole purpose of permitting the Remaining Kitec Plaintiffs to liquidate their claims, on the

1 condition that the Remaining Kitec Plaintiffs are entitled to recover on their claims against
2 RD&D only from RD&D's insurer, Lexington Insurance (the "Insurer").

3 NOW, THEREFORE, IT IS HEREBY STIPULATED by the undersigned parties,
4 through their counsel and respective representatives that:

5 (a) The automatic stay shall be modified, subject to Bankruptcy Court approval, to
6 permit the Remaining Kitec Plaintiffs to liquidate their claims in the Nevada Class Action, as
7 further provided below.

8 (b) There shall be a full reservation of rights for RD&D and the Insurer with respect
9 to the relevant insurance policies and to defend the Nevada Class Action on the merits.

10 (c) Any and all portions of the Remaining Kitec Plaintiffs' claims or causes of action,
11 whether prepetition or postpetition claims or causes of action, that are not fully satisfied by
12 RD&D's available insurance policies are forever waived and discharged as against RD&D, even
13 if the Remaining Kitec Plaintiffs are unable to obtain any recovery from any insurance policies.

14 (d) Any recovery by the Remaining Kitec Plaintiffs received from the insurance
15 proceeds shall be reduced by the amount of the applicable insurance policy's deductible.

16 (e) Upon entry of the Order approving this Stipulation, the Kitec Proof of Claim shall
17 be deemed withdrawn. The claims agent shall be directed to amend the claims register to reflect
18 that the amount of proof of claim number 129 is reduced from \$5,308,125 to zero.

19 (f) The Remaining Kitec Plaintiffs agree not to oppose or object to confirmation of
20 the plan of reorganization currently proposed by the First Lien Steering Committee, as may be
21 amended or modified and to file a notice to that effect on or prior to January 19, 2010.

22 (g) The Bankruptcy Court retains jurisdiction to resolve any dispute arising from the
23 interpretation or enforcement of this Stipulation.

LARSON & STEPHENS
810 S. Casino Center Blvd., Suite 104
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1 DATED this 19th day of January, 2010.

2 By: /s/ Carol L. Harris
3 KEMP, JONES & COULTHARD, LLP
4 J. Randall Jones, Esq. (#1927)
5 William L. Coulthard, Esq. (#3927)
6 Carol L. Harris, Esq. (#10069)
7 3800 Howard Hughes Parkway, 17th Floor
8 Las Vegas, Nevada 89169
9 Tel. (702) 385-6000
10 wlc@kjc-law.com
11 *Counsel for In re Kitec Fitting Litigation*
12 *Class Plaintiffs*

DATED this 19th day of January, 2010.

By: /s/ Zachariah Larson
LARSON & STEPHENS
Zachariah Larson, Esq. (NV Bar No 7787)
Kyle O. Stephens, Esq. (NV Bar No. 7928)
810 S. Casino Center Blvd., Ste. 104
Las Vegas, NV 89101
(702) 382-1170 (Telephone)
(702) 382-1169 (Facsimile)
zlarson@lslawnv.com
Counsel for Debtors

LR 9021 Certification

In accordance with LR 9021, counsel submitting this document certifies as follows
(check one):

☐ The court has waived the requirement of approval under LR 9021.

☐ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

Submitted by:

DATED this 18th day of February, 2010.

By: /s/ Zachariah Larson

LARSON & STEPHENS
Zachariah Larson, Esq. (NV Bar No 7787)
Kyle O. Stephens, Esq. (NV Bar No. 7928)
810 S. Casino Center Blvd., Ste. 104
Las Vegas, NV 89101
(702) 382-1170 (Telephone)
(702) 382-1169
zlarson@lslawnv.com
Attorneys for Debtors

LARSON & STEPHENS
810 S. Casino Center Blvd., Suite 104
Las Vegas, Nevada 89101
Tel: (702) 382-1170 Fax: (702) 382-1169